

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Indian Harbor Insurance Company

Plaintiff

v.

The City of San Diego

Defendant

Civil Action No.

12 CIV 5787

SUMMONS IN A CIVIL ACTION

JUDGE ROELTL

To: *(Defendant's name and address)* The City of San Diego
City Clerk - Elizabeth Maland
202 'C' Street, 2nd Floor
San Diego, CA 92101

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christine Megna Van Gelder
Duane Morris LLP
1540 Broadway
New York, NY 10036
Attorneys for Plaintiff Indian Harbor Insurance Company

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

JUL 27 2012

Date:

(Signature)
Signature of Clerk or Deputy Clerk

Christine Megna Van Gelder
Jessica A. Bohl (admission pending)
DUANE MORRIS LLP
1540 Broadway
New York, NY 10036
(212) 692-1000

Attorney(s) for : Plaintiff, Indian Harbor Insurance Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Plaintiff: INDIAN HARBOR INSURANCE COMPANY

Case No: 12CIV5787

Defendant: THE CITY OF SAN DIEGO

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the:

Summons and Complaint; Electronic Case Filing Rules and Instructions;
Individual Practices of Judge John G. Kohl; and Individual Practices of Magistrate Judge Kevin Nathaniel Fox

2. a. Party served: The City of San Diego
b. Person served: Tracy Stevens, Clerk, Authorized to Accept
c. Place of Service: 202 C Street, 2nd Floor
San Diego, CA 92101
{Business}

3. I served the party named in item 2
a. By personally delivering copies to the person served.
(1) on: 07/27/2012
(2) at: 3:05 p.m.

4. Person serving: Mel Pascua
CALEXPRESS
917 West Grape Street
San Diego, CA 92101
(619) 685-1122
a. Fee for Service: \$ 50.00
b. Exempt from registration under
Bus. & Prof. Code 22350(b)

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 07/30/2012

Signature: 

PROOF OF SERVICE